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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,838	09/27/2000	Yoichi Shirakawa	Q60958	6863

7590 12/31/2003

Sughrue Mion Zinn MacPeak & Seas PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3213

EXAMINER
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AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 12/31/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/669,838

**Applicant(s)**

SHIRAKAWA, YOICHI

**Examiner**

Seyed Azarian

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **RESPONSE TO AMENDMENT**

1. Applicant's arguments, filed 11/4/2003, see page 1, lines 15, with respect to the rejection of claims 1,5,6 and 7 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Takahashi (U.S. patent 6,088,396).

### **Detail action**

#### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo (U.S. patent 5,808,624) in view of Takahashi (U.S. patent 6,088,396).

Regarding claim 1, Ikedo discloses a picture making apparatus for creating a picture for printing by assembling and positioning component parts comprising:

A selection order input unit for inputting one or more identifiers (IDs) of the portrait parts (column 10, lines 34-46 selecting a character out of a large number of characters such as "female

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idol", "male student" (portrait), executed by moving a mouse cursor to the reference and executing a right click by inputting the numeral of a character number and column 25, lines 49-54, refer to identifies the image).

A parts storage unit for storing said IDs and images of said portrait parts (column 8, lines 3-13, picture data are registered in a storage device).

A parts selection unit for reading out said images in accordance with said ID (column 8, lines 14-22, reading the picture data).

A deformation order input unit for inputting deformation orders for deforming said images by selecting at least one operation among movement, rotation, inversion, expansion, and compression (Fig. 29, column 16, lines 18-29, part of movement is an eyebrow, nose, mouth, or a forelock, the drag operation distance of a mouse).

An edition order input unit for inputting edition orders to edit dots and /or lines on said images (column 5, lines 24-29, make up a montage picture are also part of the system in addition to the data for pattern and column 17, line 60 through column 18, line 8, a predetermined number of dots in length and breadth are added to the present plotting).

A computation unit for deforming and editing said images in accordance with said deformation orders and said edition orders (column 16, lines 38-59, left and right eyes are set as object part of movement and it is moved to a symmetrical position and also calculating horizontal and vertical direction as the movement quantity).

And a display unit for displaying a portrait created by said computation unit (Fig. 5, column 6, lines 41-48, area screen having the sample display).

However Ikedo is silent about “edit on the image”. On the other hand Takahashi in the same field of editing picture teaches the picture encoder is output as it is until coming to the editing point indicated by the dotted line (Fig. 4, column 5, lines 50-58).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Ikedo invention according to the teaching of Takahashi because it provides a frame of the decoded picture corresponding to a editing point, which are capable of editing and mixing compressed picture to achieve accuracy.

Regarding claim 2, Ikedo discloses the likeness drawing apparatus, which further comprises a registration order input unit for inputting registration identifiers (IDs), wherein said computation unit 'returns deformed images of said portrait parts to said parts selection unit; said parts storage unit stores said deformed images together with said registration IDs for said deformed images (column 8, lines 23-39, refer to output data registration process and column 8, lines 3-13, picture data are registered in a storage device).

Regarding claim 3, Ikedo discloses the likeness drawing apparatus, which further comprises a parts generation unit connected with said parts selection unit, wherein: said parts generation unit generates new portrait parts and new portrait parts identifies (IDs); and said parts storage unit stores said new portrait parts and said new portrait parts identifies (IDs) (column 11, lines 33-41, a default pattern number is selected for each respective part based on the attributes being set, an outline of a face, an eyebrow, and an eye, is then executed a new montage picture (or new portrait) is plotted in the sample display).

Regarding claim 4, Ikedo discloses the likeness drawing apparatus, wherein said computation unit: selects one or more parts in the created portrait: executes inverse

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transformation on the basis of said deformation orders: transfers the result of said inverse transformation to said parts selection unit; deforms said result of said inverse transformation on the basis of another deformation orders (column 16, lines 38-53, refer to direction of reverse sign and also Fig. 32A, 32B, the default value of a plotting area and final bit map data of the whole face are transferred to a frame buffer).

Regarding claim 9, Ikedo discloses the likeness drawing apparatus, wherein said edition order input unit is a unit for inputting the edition order to edit a segment and/or dot train on images of parts by addition or partial erasing (column 11, lines 42-52, refer to erasing).

Regarding claims 5, 6 and 7, recite similar limitation as claims 1 and 2, and are similarly analyzed.

Regarding claims 11, 14 and 15, recite similar limitation as claim 9 and is similarly analyzed.

Regarding claims 8, 10, 12 and 13, recites similar limitation as claims 1 and 4 and are similarly analyzed.

### **Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

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**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, (*informal* or *draft* communications, should be clearly labeled to expedite delivery to examiner).

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Seyed Azarian

Patent Examiner

Group Art Unit 2625

December 16, 2003



Jayanti K. Patel  
Primary Examiner

